

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

Crl.MC.No. 1612 of 2007()

C.R.NO.86/06 OF PATHANAPURAM EXCISE RANGE.

PETITIONER: 2ND ACCUSED

K.S.PRASAD, AGED 39 YEARS,
S/O.SANKARA PILLAI, TEKKUMKUTTATHIL VEEDU,
NJARAKKAD, TALAVOOR P.O., KOLLAM.

BY ADV. SRI.R.ARUN RAJ

RESPONDENTS: COMPLAINANT

STATE OF KERALA, EXCISE INSPECTOR,
PATHANAPURAM EXCISE RANGE (C.R.NO.86/06),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.JIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24/05/2007, ALONG WITH CRMC NO. 1613 OF 2007 THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO.1612 & 1613 OF 2007

Dated this the 24th day of May, 2007

ORDER

These applications are filed by the common petitioner who faces allegations under the provisions of the Kerala Abkari Act. According to the petitioner, he is absolutely innocent. Totally false and vexatious allegations have been raised against the petitioner with oblique motive. The petitioner had filed complaints of corruption against the officials and that is the reason why such false allegations have been raised against the petitioner. The petitioner is willing to surrender before the learned Magistrate. This Court as per the order dated 23/5/07 in Crl.M.C.No.1605/07 had issued directions in favour of the petitioner in a similar case. Identical directions may be issued in favour of the petitioner, it is submitted.

2. It is not necessary to advert to the facts in detail. Crl.M.C.No.1605/07 was dismissed subject to observations.

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Similar observations can be made in favour of the petitioner in these Crl.M.Cs. also.

3. In the result, these Crl.M.Cs. are dismissed; but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously on the date of surrender itself.

4. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge